

May 16, 2024

VIA ECF

The Honorable Victor Marrero
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 15B
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/16/24
--

**RE: *Elaad Eliahu v. Mediaite, LLC*
 Case No.: 1:23-CV-11015
 Updated Motion to Dismiss Briefing**

Dear Judge Marrero,

Please accept this joint correspondence from both counsel for the defendant Mediaite, LLC (“Defendant”) and the plaintiff Elaad Eliahu (“Plaintiff”) in the above-captioned matter. In light of Plaintiff’s recent filing of his Amended Complaint (ECF Doc. No. 21), counsel for both Plaintiff and Defendant conferred today on May 16, 2024, regarding Defendant’s pending Motion to Dismiss Plaintiff’s Complaint (ECF Doc. No. 19).

Given Plaintiff’s newly filed Amended Complaint, which renders the previously agreed upon briefing schedule as stipulated to in ECF Doc. No. 18 now moot, the parties have jointly agreed to a new proposed briefing schedule for Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint. If this proposed briefing schedule below is amenable to the Court, Defendant shall withdraw its pending Motion to Dismiss (ECF Doc. No. 19) as well as the corresponding Memorandum of Law (ECF Doc. No. 20).

The parties jointly propose the following updated briefing schedule of Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint:

- Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint and accompanying Memorandum of Law in Support shall be filed on or before **May 22, 2024**;
- Plaintiff’s Memorandum of Law in Opposition of Defendant’s Motion to Dismiss shall be filed on or before **June 5, 2024**; and
- Defendant’s Memorandum of Law in Reply shall be filed on or before **June 12, 2024**.

We thank the Court sincerely for its consideration and assistance in this matter.

Respectfully submitted,

/s/ Elizabeth Vulaj
Elizabeth Vulaj, Esq.
Mediaite, LLC
Business & Legal Affairs
1261 Broadway, Sixth Floor
New York, NY 10001
Telephone: (646) 370-1258
Email: elizabeth@abrams-media.com
Attorneys for Defendant Mediaite, LLC

/s/ Delia Thornton
Delia Thornton, Esq.
Mediaite, LLC

Business & Legal Affairs
1261 Broadway, Sixth Floor
New York, NY 10001
Telephone: (646) 370-1258
Email: delia@abrams-media.com
Attorneys for Defendant Mediaite, LLC

/s/ Joshua D. Vera
Joshua D. Vera, Esq.
Sanders Law Group
333 Earle Ovington Blvd., Ste 402
Uniondale, NY 11553
Telephone: 516-203-7631
Email: jvera@sanderslaw.group
Attorneys for Plaintiff Elaad Eliahu


Request **DENIED**.

Defendant is directed to either answer the Amended Complaint or otherwise initiate the pre-motion letter exchange as prescribed by Section II.B of this Court's Individual Rules. Leave to file a motion to dismiss shall not be granted without first completing the required pre-motion letter exchange.

The Amended Complaint supersedes the complaint originally filed by Plaintiff in this action. Accordingly, Defendant's motion to dismiss entered at Dkt. No. 19 is hereby **DENIED** as moot.

SO ORDERED.

Dated: May 16, 2024



Victor Marrero
U.S.D.J.